

A BILL FOR AN ORDINANCE AMENDING CHAPTER 25 OF THE
KAUAI COUNTY CODE 1987, AS AMENDED, AS IT RELATES TO SEWERS

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Chapter 25 of the Kauai County Code 1987, is amended to read as follows and all other and all prior ordinances or parts of ordinances in conflict herewith are hereby repealed.

“CHAPTER 25

SEWERS

(The purpose of this Chapter is to cover those ordinances regulating the use of public sewers; the connection of building sewers to public sewers; providing charges therefor; and regulating the discharge of water, sewage and other wastes into the public sewer systems.)

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ARTICLE 1. GENERAL PROVISIONS

Sec. 25-1.1 Declaration Of Intent.

It is the intention of this Chapter to regulate the use of all public sewers and to fix the rates of sewer connection assessment and service charge on property furnished with sewer service.

Sec. 25-1.2 Title.

This Chapter shall be known as and may be cited as the "Sewer Ordinance."

Sec. 25-1.3 Application.

The provisions of this Chapter shall apply to all public sewers in the County of Kaua'i.

Sec. 25-1.4 Definitions.

When used in this Chapter the following words or phrases shall have the meaning given in this Section unless it shall be apparent from the context that a different meaning is intended:

"Activated Sludge" means mass of floc or settleable solids formed from the activated sludge process, containing the activated masses of microorganisms.

"Activated Sludge Process" means a biological wastewater treatment process in which a mixture of wastewater and microorganisms is [biologically active mass of microorganisms is continually circulated with incoming biologically degradable waste in the presence of] agitated with induced aeration. Aeration supplies dissolved oxygen and wastewater supplies the organic substrate necessary for microorganism growth. This process includes sedimentation units which follow the aeration and where settled solids are withdrawn for disposal or returned to the aeration unit.

"Benefitted Property" means property or portion of a property provided with a connection to the public sewer, or where the benefit of sewer service becomes accessible.

"Bi-monthly" means every two months.

"B.O.D." [represents Biochemical Oxygen Demand and means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20 degrees C.), expressed in milligrams per liter by weight.] means five days biochemical oxygen demand as measured by a standard test indicating the quantity of oxygen utilized by wastewater under controlled conditions of temperature and time.

"Cesspool" means an individual wastewater system consisting of an excavation in the ground whose depth is greater than its widest surface dimension, which receives untreated wastewater, retains or and is designed to retain the organic matter and solids discharging therein, but permits the liquid to seep through its bottom or sides to gain access to the underground formation.

"Cesspool Wastes" means liquid and solid material pumped from a cesspool receiving untreated domestic sewage. For purposes of service charges, cesspool wastes shall include liquid and solid pumped from portable toilets.

"Connection" means an opening in the public sewer to which the building sewer may be connected.

"County Engineer" means the County Engineer of the Department of Public Works of the County of Kaua'i.

"Dual Meter" refers to properties which have separate Department of Water water meters for water which is returned to the public sewer and water which is not returned to the public sewer (e.g., irrigation water). In these cases, only the meter which meters water which is returned to the public sewer shall be used for wastewater billing purposes.

"Equivalent Population" means the calculated population which would normally contribute the same amount of suspended solids, biochemical oxygen demand or volume of flow per day as the daily wastes discharged by an industrial or commercial establishment, using as standard basis 0.17 pounds of suspended solids or biochemical oxygen demand and one hundred (100) gallons per capita per day.

["Existing Service Areas" means areas in which parcels have sewer service laterals to them as of October 12, 1995.]

"Extension" means the continuation of an existing public sewer through public or private property not owned, in whole or in part by the applicant or owner of the particular property or subdivision to be served.

"Flat Rate" means a fixed charge as adopted by ordinance by the County Council.

"Garbage" means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

"Garbage, Properly Shredded" means food wastes that have been properly shredded to such a degree that all particles will be carried freely under normal flow conditions in public sewers.

"Industrial User" means a non-governmental user of a publicly owned treatment works identified in the U.S. "Standard Industrial Classification Manual, 1972," under the following divisions:

Division A - Agriculture, Forestry and Fishing

Division B - Mining

Division D - Manufacturing

Division E - Transportation, Communications, Electric, Gas, and Sanitary Services Division I - Services

Users listed in these divisions may be excluded if it can be demonstrated that they discharge primarily domestic wastes.

"Industrial Wastes" means liquid wastes from industrial processes.

"Lateral" means a side sewer from a public branch or main sewer to the property line to serve one (1) or more lots.

"Main" means a sewer to which several laterals or other branch sewer lines are connected.

"Natural Outlet" means any natural outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

"Normal Domestic Strength Wastewater" means wastewater having the following characteristics:

BOD'S 2,000 lbs. per million gallons (240 mg/1) or less

SS 2,000 lbs. per million gallons (240 mg/1) or less

Grease 834 lbs. per million gallons (100 mg/1) or less

pH not less than 5.5 and not more than 9.0

"Owner" means any person who has a whole or fractional interest in a house, building, lot or other real property.

"pH" means the logarithm of the reciprocal of the [weight of hydrogen ion in grams per liter of solution.] hydrogen ion concentration measured at 25 degrees Celsius or measured at another temperature and then converted to an equivalent value at 25 degrees Celsius.

"Private" means not owned or operated by a federal, state or county authority.

"Projected Flow" means the estimated wastewater discharge from a benefitted property. Such estimates for residential developments shall be based upon a flow of 400 gallons per day per single family residential unit, and 250 gallons per day per multi-family residential unit, as derived from the Sewer Design Standard for typical residential flow. Estimates for non-residential developments shall be based upon engineering estimates submitted by applicant and approved by the County Engineer.

"R-1 water" means recycled water that has been oxidized, filtered, and disinfected to meet the standards set in Chapter 62 of Title 11, Hawai'i Administrative Rules (HAR), January 14, 2004.

"R-2 water" means recycled water that has been oxidized and disinfected to meet the standards set in Chapter 62 of Title 11, HAR, January 14, 2004.

"Return Factor" means the percentage of water usage that is discharged into the wastewater system.

"Septic Tank" means a water-tight [settling tank in which settled sludge is in immediate contact with the sewage flowing through the tank and the organic solids are decomposed by anaerobic bacterial action.] receptacle which receives the raw wastewater and discharges a settled, partially treated effluent.

"Septic Tank Wastes" means liquid and solid material pumped from a septic tank, Type III marine sanitation device or similar treatment works that receives only domestic sewage, but does not include grease trap wastes.

"Sewage" means a combination of the water-carried wastes from residence, business buildings, institutions, and industrial establishment.

"Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.

"Sewage Works" means all facilities for collecting, pumping, treating, and disposing of sewage.

"Sewer" means a pipe or conduit or any other appurtenances that carry wastewater from a building or buildings to a specified point for treatment and disposal.

"Sewer, Building or House" means that portion of the sewer line extending from a building to the public sewer or private disposal system.

"Sewer, Private" is a sewer not owned or operated by the County of Kaua'i even if situated within a public road. Private sewers that serve the public are subject to regulation by the State of Hawai'i Public Utilities Commission (PUC).

"Sewer, Public" means a sewer [controlled] system owned and operated by the County of Kaua'i.

"Sewer, Sanitary" means a sewer which carries sewage and to which storm and surface waters and drainage are not intentionally admitted.

"Sewerable Area" means the maximum area that can be served by a lateral abutting a benefitted property by gravity or the maximum area utilized in the establishment of density under the Comprehensive Zoning Ordinance, whichever is greater.

"Sludge" means solids, semi-solids, aqueous suspensions of solids generated and removed from a sewage treatment plant.

"Slug Discharge" means any discharge of water, sewage or industrial wastes which in concentration of any given constituent or in quantity of flow exceeds for any period longer than fifteen minutes, more than five times the average twenty-four hour concentration or flows during normal operation.

"Subdivision" means a division of a piece of property into two (2) or more lots[.], as defined under the Subdivision Ordinance.

"Suspended Solids" or "SS" [means solids that are in suspension in sewage or waste waters; and which are removable by laboratory filtering.] indicates the characteristic state of solids in wastewater.

"User" means an individual, establishment, or industry using any part of the public sewer.

"Waste Activated Sludge" means the excess activated sludge removed from the activated sludge process.

"Wastewater" means any liquid waste [of any kind], whether treated or not, and whether animal, mineral, or vegetable, including [sewage,] agricultural, industrial and thermal wastes.

"Wastewater" means any liquid waste , whether treated or not, and whether animal, mineral, or vegetable, including agricultural, industrial and thermal wastes.

"Wastewater Treatment Capacity Assessment Fee" means the fee to be paid by an applicant as the pro rata share of the cost of existing treatment facilities, termed cost recoupment, and the cost of new or expansion of treatment facilities.

"Zoning" means areas as determined by the Kaua'i General Plan and the Comprehensive Zoning Ordinance.

ARTICLE 2. REQUIREMENTS FOR USE OF PUBLIC SEWERS

Sec. 25-2.1 Properties Accessible To Public Sewer.

(a) Every lot which is accessible to a public sewer shall be connected to the public sewer if any plumbing fixtures are located on it. For the purposes of this Chapter, a lot is deemed to be accessible to a public sewer system if the lot has a sewer service lateral available to it. If such plumbing fixtures have not been connected to the public sewer within 120 (one hundred twenty) days after the lot owner has been notified to do so in writing by the County Engineer, the lot shall be subject to a sewer user charge pursuant to Section 25-13.2(b). This does not relieve the owner of the lot from complying with the provisions of this Chapter.

(b) This section shall not apply to a lot or portion thereof which is below the level of the public sewer and would require the installation of a pump to lift the sewage to the proper elevation for discharge into the public sewer. However, the County Engineer may approve connection to the public sewer of any lot or portion thereof, if the Owner of the lot which is below the level of the public sewer chooses to apply for public sewer service and designs and constructs the private pumping system to lift sewage to the proper elevation for discharge into the public sewer.

(c) In any civil or criminal prosecution for any violation of this Chapter, it shall be presumed that a lot has not been connected to a sewer, even if a sewer user charge is being assessed pursuant to Section 25-2.1, where either:

- 1) a permit to connect a lateral has not been obtained pursuant to Article 9 or 10 of this Chapter,
- 2) a plumbing permit has not been obtained pursuant to Article 9 or 10 of this Chapter, or
- 3) an inspection and approval has not been obtained from the County Engineer pursuant to Article 9 or 10 of this Chapter.

Sec. 25-2.2 Subdivisions.

Where public sewer service is accessible to any subdivision the subdivider shall install all necessary sewage works to serve all lots. Where public sewer service is not accessible, the requirements for proper disposal of sanitary sewage for the subdivision shall be determined by the State Department of Health and the County Engineer.

Sec. 25-2.3 Sludge, Cesspool And Septic Tank Wastes.

Notwithstanding any other provision in this Chapter to the contrary, the County Engineer is authorized to regulate the disposal of sewage sludge from private sewage treatment plants and wastes, whether treated or untreated from private cesspools or septic tanks into County sewage treatment and disposal facilities pursuant to rules and regulations adopted pursuant to Chapter 91 of the Hawaii Revised Statutes. The rules and regulations shall establish the quantity and quality of sludge and waste, procedures for disposal including requiring permits, bonding for commercial disposers, times of disposal, fees for disposal, and any other term or condition of disposal.

ARTICLE 3. RESTRICTIONS ON USE OF PUBLIC SEWERS

Sec. 25-3.1 Drainage And Unpolluted Water.

No person shall discharge or cause to be discharged, directly or indirectly, any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water, air conditioning condensate or other unpolluted drainage into any public sewer, except swimming pool water may be discharged at the time and hour permitted and designated by the County Engineer.

Sec. 25-3.2 Unacceptable Wastes.

Except as provided in other Sections of this Chapter, no person shall, directly or indirectly, discharge or cause to be discharged into a public sewer any of the following:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150 degrees F).
- (2) Any water or waste which may contain more than one hundred (100) parts per million, by weight, of fat, oil, or grease.
- (3) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (4) Any residential garbage that has not been properly shredded. Garbage from commercial food establishments is prohibited.

(5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

(6) Any water or wastes having pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(7) Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animal, or create any hazard in the receiving waters.

(8) Any noxious or malodorous gas or explosive liquids or substance capable of endangering public property and safety, or creating a public nuisance.

(9) Water or wastes containing suspended solids of such character or quantity that unusual attention or expense is required to handle such materials at a wastewater treatment plant.

(10) Any unusual volume of flow or concentration of wastes constituting slug discharges as defined herein.

(11) Radioactive wastes or isotopes of such half-life or concentration that may exceed limits established by the County Engineer in compliance with applicable State or Federal regulations.

(12) Water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations.

(13) Unreasonably large amounts of dissolved solids.

(14) Water or wastes with concentrations exceeding National Categorical Pretreatment Standards promulgated by the U.S. Environmental Protection Agency in accordance with Section 307 (b) and (c) of the Federal Water Pollution Control Act, as amended. Upon promulgation, National Categorical Pretreatment Standards, if more stringent than limitations imposed under this section, shall immediately supersede the limitations imposed under this section.

(15) Any substance which may cause a County wastewater treatment plants' discharge or any other products thereof, such as residues, sludge, or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to a County wastewater treatment plant cause it to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Federal Water Pollution Control Act (P.L. 95-500) as amended; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act; or State criteria applicable to the sludge management method being used.

(16) Any substance which will cause a County wastewater treatment plant to violate its National Pollutant Discharge Elimination System Permit or State Water Quality Standards.

(17) Any water or wastes that are considered hazardous as defined by any State or Federal law or regulation, including by not limited to regulations established by the United States Environmental Protection Agency (EPA) and published in Title 40 of the Code of Federal Regulations (40 CFR).

Sec. 25-3.3 Volume And Rate Of Discharge.

The County Engineer may prohibit admission into the public sewers of any additional volume of water or wastes, wherever and to the extent that the existing sewage works of the County shall not be capable of receiving and disposing of the water or waste, together with the normal sewage flow of that tributary area.

Sec. 25-3.4 Tampering With Public Sewer.

No person shall obstruct or cause to make inaccessible any portion of the public sewer, uncover or tamper with any public sewer, or connect to it, or throw anything into any sewer manhole without the written permission of the County Engineer.

Sec. 25-3.5 Sealing Disconnected Sewer.

No person shall remove or demolish any building or structure with plumbing fixtures connected directly or indirectly with the public sewer without first obtaining the approval of the County Engineer. All openings in the sewer line caused by the removal of any building or structures shall be sealed in such a manner as to prevent earth, debris, rain, surface, storm, or other water from entering the public sewer system.

Sec. 25-3.6 Preliminary Treatment.

(a) Where preliminary treatment is deemed necessary by the County Engineer to render any water or wastes acceptable for discharge into the sewage works, suitable preliminary treatment facilities shall be provided by the owner and maintained continuously in satisfactory and effective operation at his own expense. Grease, oil, sand and dirt interceptors, screening devices, facilities for pH adjustment, and other preliminary treatment facilities shall be of a type and capacity as approved by the County Engineer.

(b) When pre-treatment standards, as promulgated by the U.S. Environmental Protection Agency (EPA) for specific industrial classes, are more stringent than the acceptable limits under this Chapter, EPA standards shall be adhered to by the County.

(c) All pre-treatment facilities shall be located as to be readily accessible for cleaning and inspection. In maintaining these facilities, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, amounts, and means of disposal which are subject to review by the County Engineer. The use of enzymes, bacterial cultures, degreasers, hot water, or steam in the grease interceptor is strictly prohibited.

(d) When required by the County Engineer, the owner of any property served by a building sewer requiring preliminary treatment facilities shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of waste. Such manhole shall be constructed in accordance with plans approved by the County Engineer. The manhole shall be installed and maintained by the owner at his expense.

ARTICLE 4. RIGHT-OF-ENTRY AND INSPECTION

Sec. 25-4.1 Existing Systems.

The County Engineer may to the extent permitted by law, without a warrant, at any time enter any building or premises in the discharge of his official duties to inspect, investigate, measure or test the waste discharged directly into the sewer system or from any private sewer connected, directly or indirectly to the public system.

Sec. 25-4.2 Excessive Infiltration.

Whenever deemed necessary by the County Engineer all existing private sewers connected to the public system may and upon connection to the public system shall be inspected and tested for excessive infiltration. If the rate of infiltration is excessive, the owner, when informed by the County Engineer, shall effectuate remedial measures approved by the County Engineer within one hundred twenty (120) days at his own expense. Infiltration in excess of two hundred (200) gallons per day per inch of diameter of pipe per mile of pipe shall be considered excessive.

ARTICLE 5. ADMINISTRATION, MANAGEMENT AND CONSTRUCTION OF SEWAGE WORKS; GENERAL REQUIREMENTS

Sec. 25-5.1 Sewage Treatment And Disposal Plants.

Where sewage is to be discharged into any natural outlet, primary or complete treatment facilities, in accordance with regulations and requirements of the State Department of Health shall be provided. If those treatment facilities are dedicated or are intended to be dedicated to the County, the type, capacity, design and location of the treatment plant shall be approved by the County Engineer.

Sec. 25-5.2 Pumping Stations.

Pumping stations shall be provided where the terrain of the area to be developed is such as to require pumping to lift the sewage to proper elevation for discharge to a treatment plant site, public sewer or discharge outfall. These stations shall be of adequate capacity and shall include the necessary physical units for proper operation, control and maintenance. Suitable locations of these stations which are dedicated or are intended to be dedicated to the County shall be approved by the County Engineer.

Sec. 25-5.3 Sewer Mains.

Sewer mains shall be of length, type and size necessary to provide the area with adequate sewage disposal and so located as not to be contrary to the location fixed for utilities by the County General Plan and the Comprehensive Zoning Ordinance for water, sewage and drainage.

Sec. 25-5.4 Laterals.

A lateral shall be run to provide service to each lot in accordance with Section 25-9.2 of this Chapter.

Sec. 25-5.5 Construction Standards.

All public sewage works construction shall be performed in accordance with the current County Standards and as required by the County Engineer. All construction plans and specifications for private sewage works connecting directly or indirectly into the public sewers, shall be approved by the County Engineer.

ARTICLE 6. IMPROVEMENT DISTRICTS; ADMINISTRATION, MANAGEMENT AND CONSTRUCTION

Sec. 25-6.1 Improvement Districts.

Benefitted property shall be assessed as prescribed by Chapter 24, of this Code. Each assessed area shall be provided with a connection.

ARTICLE 7. SUBDIVISIONS; ADMINISTRATION, MANAGEMENT AND CONSTRUCTION

Sec. 25-7.1 Cost Of Construction.

(a) In every subdivision where sewers, sewage pumping station, force main, outfall and sewage treatment units are deemed necessary by the County and State Department of Health, the cost of constructing sewage works shall be borne by the subdivider. The subdivider shall install and pay for any extension of sewer mains necessary to connect the subdivision to the public sewer system. All subdivision sewage works and any necessary extension of sewer mains shall be designed and constructed in accordance with the current County Standards and as required by the County Engineer.

(b) [Additional costs brought about by increasing the pipe sizes or depths of laying or the capacity of the pumping station, force main, outfall, or treatment plant to serve areas other than the subdivision shall be borne by the County.] Whenever, in order to provide for existing or future services beyond the boundaries of a subdivision, the County Engineer finds that the mains to be installed within the subdivision, or any main extension required to serve the subdivision should be of greater capacity or depth of laying than would be required to provide adequate service within such subdivision, the County Engineer will require the subdivider to make installations of such greater capacity or depth of laying. When the subdivider is required to install mains with greater capacity or depth of laying, the County will reimburse the subdivider the additional costs brought about by increasing the pipe sizes or depths of laying or the capacity of the pumping station, force main, outfall, or treatment plant to serve areas other than the subdivision as soon as practicable

after the acceptance by the County of the completed work. Reimbursement will not be made to the subdivider where the additional capacity mains or sewage works will serve only areas under the same ownership as the subdivision under consideration.

Before the subdivider enters into a contract where a reimbursement to the subdivider for additional costs of mains or other sewage works will be made, the County Engineer shall review and either approve or disapprove the contract. If the contract is disapproved, the subdivider shall revise the contract until its form and content is acceptable to the County.

After the installation has been completed and accepted by the County, the subdivider shall furnish the County Engineer with an affidavit itemizing the costs incurred by the subdivider in the installation of said mains or other sewage works. The additional costs subject to reimbursement shall be determined by the County Engineer.

Sec. 25-7.2 Approval Of Plans.

All construction plans and specifications for sewage works shall be approved by the County Engineer. In the event that construction has not commenced within one (1) year after date of approval, the construction plans and specifications shall be resubmitted for reapproval.

Sec. 25-7.3 Inspection.

During the construction of all sewage works the County Engineer shall have access thereto for inspection purposes and, if in his discretion, the County Engineer shall deem it advisable may require an inspector on the job continuously. At no time shall sewer work be backfilled or covered until the County Engineer has been notified and has given his approval after proper inspection and testing. If the work is not approved, it shall be repaired or removed and reconstructed, as directed by the County Engineer.

Sec. 25-7.4 Acceptance.

(a) All sewage works found acceptable by the County Engineer to be maintained and operated as part of the public system and offered for conveyance to the County by the subdivider shall become the property of the County. Prior to final acceptance, the subdivider shall deliver to the County an affidavit itemizing the costs of the sewage works and a perpetual easement for all portions of the subdivision sewer system installed in other than publicly owned property. The subdivider shall also convey to the County fee simple title to all sites on which a pumping station or treatment plant is constructed by the subdivider as part of the public sewage works, together with easements for ingress and egress.

(b) Final approval and acceptance of subdivision sewage works shall not be granted until the subdivider has settled all financial accounts with the County. Final approval by the County Engineer of the subdivision map shall not be granted until the subdivision sewage works are completed and approved, or a bond posted in lieu thereof, as provided in the Subdivision Ordinance, and all fees pursuant to Articles 11 and 12 of this Chapter have been paid for each new lot of the subdivision.

ARTICLE 8. EXTENSIONS; ADMINISTRATION, MANAGEMENT AND CONSTRUCTION

Sec. 25-8.1 Application.

[Upon receipt of a written application for a sewer extension, the County Engineer shall make an estimate of the cost and submit it to the applicant. If the applicant then deposits with the County a sum equal to fifty percent (50%) of the cost specified, the matter will be referred to the County Council and, subject to their approval and the appropriation of the County's share of fifty percent (50%) of the costs, the extension will be made as soon as conveniently possible.] Extensions from and connection to the public sewer will be approved upon application to the County Engineer, providing all requirements are met, including the following:

(a) The County sewage works have adequate capacity for collecting, pumping, treating and disposal of the sewage from the area to be served by the extension.

(b) The additional service on the existing sewage works will not be detrimental to people already being served by the existing sewage works. In order to determine if the additional service will be detrimental to people already being served, the County Engineer may require the Applicant to estimate the volume and characteristics of the additional sewage.

(c) The main extension and any associated sewage works necessary for connection to the public sewer are designed in accordance with the current County Standards and as required by the County Engineer. All construction plans and specifications for private sewage works connecting directly or indirectly into the public sewers, must be reviewed and approved by the County Engineer.

Sec. 25-8.2 Plans and Specifications.

[The County shall make the extension, including any lateral, to serve the applicant's property. The County shall determine the alignment, the materials to be used, and the manner of construction. The property owner shall not have any

title to the extension.] The Applicant shall design and construct the extension, including any associated sewage works such as pump stations, force mains, and laterals. . The plans and specifications for the extension, including the alignment, the materials to be used, and the manner of construction must be reviewed and approved by the County Engineer prior to construction. In the event the extension is made across private property, the Applicant shall provide an easement to the County. Following acceptance of the conveyance of the extension by the County, the Applicant shall not have any title to the extension.

Sec. 25-8.3 Construction By [Applicant.] County.

[If the applicant prefers, he may pay the full cost for the extension.] The County reserves the right to design, construct and pay for any extension of the public sewage works.

ARTICLE 9. LATERALS; ADMINISTRATION, MANAGEMENT AND CONSTRUCTION

Sec. 25-9.1 Application And Permit.

(a) An application for a lateral to a lot shall be made on a form prescribed by the County Engineer, Department of Public Works of the County of Kaua'i.

(b) A permit to connect a lateral shall be obtained from the Department of Public Works, before making any connection to the lateral. The permit shall be issued only after a Plumbing permit has been obtained from the Building Division. No fee shall be charged for the permit to connect.

Sec. 25-9.2 Location.

New laterals will be installed as near as practicable to the exact location desired by the applicant, but if branches are already in the main or other outlets are available near at hand, the lateral may be run from them. The County reserves the right to establish the alignment of the lateral, the location of the connection, and to provide service to other lots from the same lateral.

Sec. 25-9.3 Construction.

(a) All laterals shall be a minimum of six (6) inches in diameter and constructed at right angles to the main on a minimum grade of one percent (1%), unless excepted by the County Engineer. Each lateral shall terminate at the property line with a six inch by four inch (6" x 4") reducer approved by the County Engineer, properly plugged. A four inch (4") or appropriate size cast iron long

radius 90 degree bend shall be connected to the reducer from which shall vertically extend the cast iron, PVC or ABS (Schedule 40) riser and cleanout to at least one inch above ground except in a sidewalk or driveway area. In sidewalk or driveway areas, the cleanout shall be flush with the surface and shall be made of cast iron or brass body with recessed brass plug.

(b) Connection of the building sewer by the property owner to the riser shall not be backfilled or covered until approved by the County Engineer.

Sec. 25-9.4 Charges For Lateral.

Where there is no lateral to a lot and the applicant desires to construct one, the applicant shall construct the lateral at his cost. For the initial lateral constructed to the lot, the owner shall be entitled to a credit on the sewer connection charge for the said property pursuant to Article 11, up to the cost of the lateral or the amount of the connection charge, whichever is less.

ARTICLE 10. APPLICATION FOR SEWER SERVICE

Sec. 25-10.1 Application For Sewer Service.

(a) The owner of each and every lot, parcel of land, building, dwelling unit or premises which is accessible to or connected directly or indirectly to the sanitary sewerage systems of the County, shall fill out and file with the County Engineer an application form prescribed by the County Engineer for the purposes of administration and enforcement of this Chapter. There shall be no processing fee for the application except as provided in Subsection 25-10.1(d).

(b) Prior to making of any physical connection to the public sewer system, a sewer permit and a plumbing permit shall be obtained from the Department of Public Works.

(c) Any connection to the public sewer system shall be constructed in accordance with County standards and shall be subject to inspection by the Department of Public Works in the same manner as specified in Article 9 above.

(d) Expiration. Every permit to connect to the public sewer system issued by the Division of Wastewater Management, Department of Public Works, under the provisions of this Article shall expire by limitation and become null and void if connection to the public sewer is not completed within 180 calendar days from the date of issuance of the permit, provided, however, in the event of strikes or other causes beyond the control of the owner, the County Engineer, may, in writing, extend the 180 calendar days; provided further, that a connection permit issued for

a project having a valid building permit shall expire only when such building permit expires. [For existing connection permits presently in effect, the 180 calendar days time period shall commence from June 4, 1998.]

Where a connection permit has expired, a new permit shall be first obtained by the owner and the permit fee thereto shall be \$25. Sewer connection charges and wastewater treatment capacity assessments pursuant to Article 11 and Article 12 of this Chapter, shall be recalculated using the rates applicable at the time the new permit is issued less the amounts previously paid to the County.

(e) Refund of Fees When Connection Permit Expires. In the event a connection permit expires as set forth in Section 25-10.1(d), the owner may file for a refund with the Director of Finance or his designee, on the form prescribed by the Department of Finance and the Director of Finance or his designee, may refund the amount paid by the owner in excess of ten percent (10%) of the total amounts due from the owner for sewer connection charges and wastewater treatment capacity assessments.

Sec. 25-10.2 Application To Dispose Cesspool/Septic Tank Waste.

(a) Any appropriately licensed pumper desiring to dispose of cesspool or septic tank waste or both at any County wastewater facility, shall obtain a Permit to Discharge from the Department of Public Works. The owner of the firm shall submit an application form prescribed by the County Engineer. Every applicant shall pay a basic filing fee of Fifty Dollars (\$50) plus Ten Dollars (\$10) for each truck being registered.

(b) Each application shall be signed by the owner and shall constitute an acknowledgement that the owner shall assume responsibility for compliance with applicable regulations and the conditions of the Permit to Discharge. Non-compliance with any condition of the permit may be grounds for revocation of the Permit to Discharge and denial of future applications.

(c) A Permit to Discharge shall be for a period not to exceed two (2) years. The expiration date shall be set at the end (December 31) of the appropriate calendar year. Permit conditions shall require the permittee to submit information necessary to determine the origin or source of the waste and other information as determined by the County Engineer.

(d) The Department of Public Works, on a random and periodic basis as time permits, as determined by the County Engineer, shall audit the record submitted to verify origin of the waste.

(e) In the event of any discrepancy, the licensed pumper shall be notified and given an opportunity to explain the discrepancy. If the discrepancy cannot be resolved and a violation is confirmed, the County Engineer shall, in addition to any other penalties available in this Chapter, revoke the Permit to Discharge.

ARTICLE 11. SEWER CONNECTION CHARGES

Sec. 25-11.1 Unassessed Area.

(a) If an area to be served has not been previously assessed, the owner shall be required to pay a sewer connection charge of:

(1) Twelve cents (12¢) per square foot of sewerable area for Hospital and Industrial uses;

(2) Ten cents (10¢) per square foot of sewerable area for Commercial use;

(3) Two hundred dollars (\$200) per dwelling unit or Twelve cents (12¢) per square foot of sewerable area for Hotel Resort use, whichever is greater;

(4) Two hundred dollars (\$200) per dwelling unit or Ten cents (10¢) per square foot of sewerable area for Multiple-family Residential use, whichever is greater;

(5) Single family residences at fifty dollars (\$50) per residential unit.

(6) Non-profit or eleemosynary corporations not covered by the above categories shall be assessed two hundred dollars (\$200).

Sec. 25-11.2 Exemptions.

(a) No sewer connection charges shall be made for a voluntary, non-profit, non-sectarian, community hospital.

(b) No sewer connection charge shall be made for any Federal, State or County Agency.

(c) No sewer connection charges shall be made when as part of a subdivision, the sewer collection system, including the lateral, was constructed by the developer or subdivider.

(d) No sewer connection charges shall be made when connection charges are credited pursuant to Section 25-9.4 of this Chapter.

Sec. 25-11.3 Assessed Area.

No additional charge shall be made for one (1) connection to an assessed lot, provided that the assessment has been paid by the owner.

Sec. 25-11.4 Changes In Land Use; Additional Charges.

Additional charges shall be made for any changes in land use which results in a greater intensity of land use or sewerable area. The additional charges shall be determined by using the applicable rates under Section 25-11.1, less the amount previously assessed.

[Sec. 25-11.5 Installment Payments.

(a) Single Family Unit. The connection charge for every single family unit shall be paid in full prior to issuance of the sewer connection permit.

(b) Connection Charge For Other Users. The connection charge for other users may be paid in accordance with the following schedule:

(1) twenty-five percent (25%) of the applicable fee to be paid prior to the issuance of the sewer connection permit; and

(2) the remaining seventy-five percent (75%) of the applicable fee may be payable in equal bimonthly installments over a one year period.

There shall be added to each monthly installment, interest on the unpaid balance of the sewer connection charge from the time of owing, at a rate to be calculated as one percent (1%) higher than the New York prime rate.]

ARTICLE 12. WASTEWATER TREATMENT CAPACITY ASSESSMENT

Sec. 25-12.1 Wastewater Treatment Capacity Assessment.

[Applicants requiring connections to the sewer system shall be assessed a Wastewater Treatment Capacity Assessment fee in accordance with the following schedules:

(a) Applicants Inside Existing Service Areas

Residential unit:

Effective Date	\$ per unit
July 1, 1996	2,850
July 1, 1997	3,200
July 1, 1998	3,550
July 1, 1999	3,900

Non-residential users:

Non-residential users shall be assessed Wastewater Treatment Capacity Assessment fees (\$ per unit) based on the following schedule:

Eff. Date	Size of water meter					
	.75"	1.0"	1.5"	2.0"	3.0"	4.0" or less
7/1/96	\$2,850	4,845	9,405	15,105	30,495	47,595
7/1/97	\$3,200	5,440	10,560	16,960	34,240	53,440
7/1/98	\$3,550	6,035	11,715	18,815	37,985	59,285
7/1/99	\$3,900	6,630	12,870	20,670	41,730	65,130

Non-residential applicants who use a water meter which is greater than four inches in diameter shall be assessed Wastewater Treatment Capacity Assessment fees based on the following per gallon per day rate schedule of the applicant's projected flow approved by the County Engineer:

Effective Date	
July 1, 1996	\$7.13
July 1, 1997	8.01
July 1, 1998	8.88
July 1, 1999	9.76]

(a) Applicants requiring connections to the sewer system shall be assessed a Wastewater Treatment Capacity Assessment fee in accordance with the following schedules:

Residential unit:

<u>Effective Date</u>	<u>\$ per unit</u>
<u>July 1, 1999</u>	<u>3,900</u>

Non-residential users:

Non-residential users shall be assessed Wastewater Treatment Capacity Assessment fees (\$ per unit) based on the following schedule:

<u>Eff.</u>	<u>Size of water meter</u>					
<u>Date</u>	<u>5/8" & .75"</u>	<u>1.0"</u>	<u>1.5"</u>	<u>2.0"</u>	<u>3.0"</u>	<u>4.0"</u>
<u>7/1/99</u>	<u>\$3,900</u>	<u>6,630</u>	<u>12,870</u>	<u>20,670</u>	<u>41,730</u>	<u>65,130</u>

Non-residential applicants who use a water meter which is greater than four inches in diameter shall be assessed Wastewater Treatment Capacity Assessment fees based on the following per gallon per day rate schedule of the applicant's projected flow approved by the County Engineer:

<u>Effective Date</u>	
<u>July 1, 1999</u>	<u>\$9.76</u>

[(b) Applicants Outside Existing Service Areas

Effective October 12, 1995, the Wastewater Treatment Capacity Assessment fee shall be \$3,900 per residential unit and for non-residential users as follows:

<u>Size of Water Meter</u>					
<u>.75"or less</u>	<u>1.0"</u>	<u>1.5"</u>	<u>2.0"</u>	<u>3.0"</u>	<u>4.0"</u>
<u>\$3,900</u>	<u>6,630</u>	<u>12,870</u>	<u>20,670</u>	<u>41,730</u>	<u>65,130</u>

Non-residential applicants who use a water meter which is greater than four inches in diameter shall be assessed Wastewater Treatment Capacity Assessment fees based on \$9.76 per gallon per day of the applicant's projected flow, approved by the County Engineer.]

(b) The Wastewater Treatment Capacity Assessment fee shall be paid in full prior to the issuance of a building permit, or in the case of a Subdivision, the subdivider shall pay in full the for every lot, other than roadway lots or lots on which plumbing fixtures will never be located.

(c) [The fees in this Article may be paid in accordance with the following schedule:] Whenever due to an extension of the public sewer such that a lot with existing plumbing fixtures becomes accessible to a public sewer, and shall be connected to the public sewer pursuant to Section 25-2.1 (a), the Wastewater Treatment Capacity Assessment fee shall be paid by the Owner. Under this circumstance, the fees in this Article may be paid in accordance with the following schedule:

(1) ten percent (10%) of the applicable fee to be paid prior to the issuance of the sewer connection permit; and

(2) the remaining ninety percent (90%) of the applicable fee may be payable in equal bi-monthly installments over a one year period.

(3) there shall be added to each bi-monthly installment, interest on the unpaid balance of the applicable fee from the time of owing, at a rate to be calculated as one percent (1%) higher than the New York prime rate.

Sec. 25-12.2 Changes In Land Use; Additional Charges.

Additional charges shall be made for any changes in land use which results in a greater intensity of land use. The additional charges shall be determined by using the applicable rates under Section 25-12.1, less the applicable amount previously assessed under Section 25-12.1.

Properties connected to the sewer prior to the effective date of the Wastewater Treatment Capacity Assessment, upon an increase in their water usage requiring an increase in water meter size, shall be assessed the current assessment corresponding to their new water meter size, less the current assessment corresponding to the previous water meter size.

Sec. 25-12.3 Exemptions.

(a) County facilities, except for Department of Water, are exempt.

(b) Housing projects or portions of housing projects that are developed to be affordable to low-income households as determined by the Housing Administrator of the County Housing Agency shall be exempt provided such projects conform to applicable provisions of the County's affordable housing program.

(c) Housing projects or portions of housing projects that are developed to be affordable to gap-group households as determined by the Housing Administrator of the County Housing Agency shall be exempt from one-half of the Waste Water Treatment Capacity Assessment, provided such projects conform to applicable provisions of the County's affordable housing program.

Sec. 25-12.4 Wastewater Treatment Capacity Assessment Offset.

When an applicant or owner is required to construct a sewage treatment plant or portions thereof that expand or enhance the wastewater treatment capacity of the public sewer, the applicant or owner shall be entitled to a credit or "Offset" of

the Wastewater Treatment Capacity Assessment fee. The Offset shall apply following the completion of construction, acceptance by the County Engineer, and the conveyance to the County of the sewage treatment plant or portions thereof. The total amount of Offset shall not exceed the applicant or owner's Wastewater Treatment Capacity Assessment fees, or the actual cost of the sewage treatment plant improvements, whichever is less.

The County Engineer, and not the applicant or owner, shall calculate and determine the total amount of an applicant or owner's Wastewater Treatment Capacity Assessment fee Offset. The County Engineer may require the applicant or owner to submit documentation verifying the actual cost of the sewage treatment plant or portion thereof.

ARTICLE 13. SEWER SERVICE CHARGES

Sec. 25-13.1 Declaration Of Policy.

It is hereby determined and declared to be necessary for the County to establish, levy, and collect sewer service charges upon all lots, lands, buildings, dwelling units and premises accessible to or served by connections, either directly or indirectly, with the public sanitary sewerage systems. The revenues so derived shall be used for the management, operation, maintenance, repair and replacement of the public sanitary sewerage system.

Sec. 25-13.2 Assessment Of User Charge.

(a) All persons who are connected, directly or indirectly to the public sewer system as defined in Section 25-13.3 shall pay a sewer user charge.

(b) An owner of a lot which is accessible to a public sewer system and which has any plumbing fixtures located on it shall be assessed a sewer user charge pursuant to this Chapter.

Sec. 25-13.3 User Classification.

Two major user classifications - "residential" and "non-residential" are adopted because of possible differences in strength characteristics and in the relationship between water usage and wastewater discharge quantities for each class of user.

(a) "Residential Users" are defined to include only the following:

(1) Single family dwellings

- (2) Duplexes
- (3) Apartment buildings, condominiums and townhouses
- (4) Governmental housing projects

(b) "Non-Residential Users" are defined to include all industrial, commercial, agricultural, governmental, and miscellaneous services, plus the following which are specifically excluded from the above definition of "Residential Users."

(1) Hotels, motels, resorts, lodges, timeshares, boarding house, hostel, etc., and condominiums, primarily used as hotels.

(2) Single parcel of land used for non-residential purposes, although containing residential dwelling units, excepting when non-residential structures and residential dwellings are separately metered for water. When non-residential structures and residential dwellings are separately metered the appropriate rates for each category shall apply.

(3) All other special establishments not distinguishable as a residential dwelling unit, as determined by the County Engineer.

(4) Group I A Commercial shall consist of users whose strength characteristics of its wastewater is similar to that of domestic waste and with a return factor of less than 50%, which includes but is not limited to the following:

Bottled Water Manufacturer
Soft Water Service Manufacturer
Ice Manufacturer

Group I B Commercial shall consist of users whose strength characteristics of its wastewater is similar to that of domestic waste and with a return factor equal to or greater than 50%, which includes but is not limited to the following:

Car Wash, including but not limited to:
Automatic
Coin-operated
In-bay
Office Building

Professional Building, including but not limited to:

- Doctor Office
- Clinic
- Rehabilitation Center
- Pharmacy
- Laundromat
- Mixed Use (shopping center) without Restaurant

Department and Retail Store, including but not limited to:

- Convenience Store
- Beauty shop
- Barber shop

Warehouse

Theatre, including but not limited to:

- Entertainment Hall Providing Audio/Video Performance,
Screening Facilities
- Drive-in
- Live/Music/Opera
- Cinema

Membership Organizations, including but not limited to:

- Neighborhood Center
- Church

Social Services, including but not limited to:

- Library
- Police Station
- Fire Station

5) Group II Commercial shall consist of users whose loading characteristics of its wastewater are slightly higher than domestic waste, which includes but is not limited to the following:

Repair & Service Stations, including but not limited to:

- Auto Body/Mechanical Shop
- Auto Manufacturer/Service Maintenance
- Gas Station (Self Service and Bays)
- Aircraft Hanger
- Heliport
- Miscellaneous Repair Shops
- Truck Repair and Service

Newspaper Company

Commercial Laundry

Lumber Yard

Mixed Use (shopping center) with Restaurant

Nursery, Greenhouse

Nightclub, Bars

Amusement Park
Hospital
Convalescent Home
Nursing Home
Prison

(6) Group III Commercial shall consist of users whose business is heavily involved in food processing and/or whose loading characteristics of its wastewater are much higher than domestic waste, which includes but is not limited to the following:

Food Processors, including but not limited to:

Bakeries
Candy Manufacturer and Confectioner
Dairy Product Manufacturer
Processor in Citrus, Fish, Dried Fruit, Egg,
Fruit, Vegetable, Meat
Meat Packer
Miscellaneous Food Products
Vegetables
Brewery, Distillery, Winery, Beverage Manufacturer
Supermarket
Mortuary

Sec. 25-13.4 Schedule Of Rates.

(a) For users of Private Water Systems. Sewered properties of [non-residential] residential or non-residential use that are utilizing private water systems will be required to install prior to or at the time connection is made, at their own expense, water meters approved by the County Engineer measuring the water quantity used, or alternatively, will be required to install, at their own expense and at an appropriate location, a calibrated flume, weir, flow meter or similar device approved by the County Engineer for measuring wastewater quantity. A flow recording and totaling register will be required for an approved flow measuring device. Measurements to verify the quantities of flows will be performed on a random basis by the County Engineer.

[(b) Effective July 1, 1996, monthly sewer service charges shall be a service charge plus a volume charge based on the following:

	BEGINNING:	July 1,	July 1,	July 1,	July 1,
		1996	1997	1999	2000
		Monthly	Monthly	Monthly	Monthly
SERVICE CHARGE		<u>Charge</u>	<u>Charge</u>	<u>Charge</u>	<u>Charge</u>

Residential				
Single Family	30.50	34.22	34.22	34.22
Multi-Family	30.50	34.22	34.22	34.22
Non-Residential				
Industrial	5.75	5.75	5.75	5.75
Hotels/Motels/Resorts	5.75	5.75	5.75	5.75
All Others	5.75	5.75	5.75	5.75
VOLUME CHARGE	\$/1,000Gal	\$/1,000Gal	\$/1,000Gal	\$/1,000Gal
\$/1,000Gal				
Residential				
Single Family				
Multi-Family				
Non-Residential (Metered Water)				
Industrial	4.19	4.71	5.29	5.90
Hotels/Motels/Resorts	3.46	3.89	4.39	4.91
All Others	2.31	2.62	2.97	3.35
Non-Residential (Metered Wastewater/Dual Meter)				
Industrial	6.45	7.24	8.14	9.08
Hotels/Motels/Resorts	5.31	5.99	6.74	7.55
All Others	3.55	4.04	4.57	5.16
Cesspool Waste Disposal	30.00	30.00	30.00	30.00
Septic Tank Waste Disposal	95.00	108.00	119.00	132.00
Waste Activated Sludge (WAS)	30.00	30.00	33.00	37.00

Volume charges for residential users apply only to the first 9,000 gallons of metered water per month per dwelling unit.]

(b) Residential Users. Effective July 1, 2011, monthly sewer service charges for residential users shall be in accordance to the following:

<u>Fiscal Year Ending June 30:</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
	<u>Monthly</u>	<u>Monthly</u>	<u>Monthly</u>	<u>Monthly</u>
<u>FLAT RATE</u>	<u>Charge</u>	<u>Charge</u>	<u>Charge</u>	<u>Charge</u>
<u>Single Family</u>	<u>47.86</u>	<u>51.73</u>	<u>55.81</u>	<u>60.09</u>
<u>Multi-Family</u>	<u>45.95</u>	<u>47.24</u>	<u>48.60</u>	<u>50.03</u>

Flat rates and service charges for residential users shall be applied to each residential unit.

[(c) Residential Users. Effective January 1, 2001, monthly sewer service charges for residential users shall be in accordance to the following:

	BEGINNING:				
	January 1, 2001	July 1, 2001	July 1, 2002	July 1, 2003	July 1, 2004
FLAT RATE					
Single Family	34.22	38.00	40.39	42.43	45.00
Multi-Family	34.22	38.00	40.39	42.43	45.00

OR

SERVICE CHARGE PLUS VOLUME CHARGE

SERVICE CHARGE					
Single Family	25.00	25.00	25.00	25.00	25.00
Multi-Family	25.00	25.00	25.00	25.00	25.00
VOLUME CHARGE	\$ per thousand gallons of metered water.				
Single Family	1.32	1.72	2.15	2.57	2.93
Multi-Family	1.32	1.72	2.15	2.57	2.93

Flat rates and service charges for residential users shall be applied to each residential unit.

Residential users shall continue to be billed the flat rate until such time that the service charges plus volume based billing process is implemented in the County's computerized billing system. Residential users will be notified of the change in billing at least thirty (30) days in advance. The service charge plus volume rate to be imposed shall be the applicable rate on the effective date as indicated in the notice.

Volume charges for residential users apply only to the first 9,000 gallons of metered water per month per dwelling unit.]

(c) Non-Residential Users. Effective July 1, 2011, monthly sewer service charges for non-residential users shall be a service charge plus a volume charge in accordance to the following:

<u>Fiscal Year Ending June 30:</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
<u>SERVICE CHARGE</u>	<u>Monthly</u>	<u>Monthly</u>	<u>Monthly</u>	<u>Monthly</u>
<u>All Non-Residential Users</u>	<u>Charge</u>	<u>Charge</u>	<u>Charge</u>	<u>Charge</u>
	<u>7.75</u>	<u>8.65</u>	<u>9.63</u>	<u>10.70</u>
<u>VOLUME CHARGE</u>	<u>\$/1,000 Gal</u>	<u>\$/1,000</u>	<u>\$/1,000</u>	<u>\$/1,000 Gal</u>
<u>(Metered Water)</u>		<u>Gal</u>	<u>Gal</u>	
<u>Hotels/Motels/Resorts, etc.,</u>	<u>5.12</u>	<u>5.42</u>	<u>5.73</u>	<u>6.05</u>
<u>Without Restaurant</u>				
<u>Hotels/Motels/Resorts, etc.,</u>	<u>7.22</u>	<u>8.36</u>	<u>9.65</u>	<u>11.13</u>
<u>With Restaurant</u>				
<u>Restaurant</u>	<u>11.36</u>	<u>13.02</u>	<u>14.89</u>	<u>17.00</u>
<u>Group I A Commercial</u>	<u>3.35</u>	<u>3.35</u>	<u>3.35</u>	<u>3.35</u>
<u>Group I B Commercial</u>	<u>4.51</u>	<u>4.84</u>	<u>5.20</u>	<u>5.56</u>
<u>Group II Commercial</u>	<u>6.28</u>	<u>6.97</u>	<u>7.73</u>	<u>8.56</u>
<u>Group III Commercial</u>	<u>11.17</u>	<u>12.88</u>	<u>14.83</u>	<u>17.04</u>
<u>School</u>	<u>3.21</u>	<u>3.43</u>	<u>3.66</u>	<u>3.89</u>
<u>Park</u>	<u>0.59</u>	<u>0.63</u>	<u>0.67</u>	<u>0.71</u>
<u>Manufacturing/Industrial</u>	<u>7.11</u>	<u>8.09</u>	<u>9.18</u>	<u>10.39</u>
<u>VOLUME CHARGE</u>	<u>\$/1,000 Gal</u>	<u>\$/1,000</u>	<u>\$/1,000</u>	<u>\$/1,000 Gal</u>
<u>(Metered Wastewater or</u>		<u>Gal</u>	<u>Gal</u>	
<u>Dual Meter)</u>				
<u>Hotels/Motels/Resorts, etc.,</u>				
<u>Without Restaurant</u>	<u>6.98</u>	<u>7.69</u>	<u>8.48</u>	<u>9.35</u>
<u>Hotels/Motels/Resorts, etc.,</u>				
<u>With Restaurant</u>	<u>12.85</u>	<u>14.17</u>	<u>15.60</u>	<u>17.20</u>
<u>Restaurant</u>	<u>17.01</u>	<u>18.75</u>	<u>20.67</u>	<u>22.77</u>
<u>Group I Commercial</u>	<u>5.99</u>	<u>6.43</u>	<u>6.89</u>	<u>7.36</u>
<u>Group II Commercial</u>	<u>8.37</u>	<u>9.30</u>	<u>10.31</u>	<u>11.41</u>
<u>Group III Commercial</u>	<u>17.05</u>	<u>18.80</u>	<u>20.72</u>	<u>22.83</u>
<u>School</u>	<u>5.56</u>	<u>5.85</u>	<u>6.45</u>	<u>7.11</u>
<u>Park</u>	<u>5.56</u>	<u>5.80</u>	<u>6.40</u>	<u>7.10</u>
<u>Manufacturing/Industrial</u>	<u>10.40</u>	<u>11.47</u>	<u>12.63</u>	<u>13.92</u>
<u>Airport</u>	<u>5.88</u>	<u>6.36</u>	<u>6.88</u>	<u>7.41</u>
<u>Cesspool Waste Disposal</u>	<u>30.00</u>	<u>30.00</u>	<u>30.00</u>	<u>30.00</u>
<u>Septic Tank Waste Disposal</u>	<u>146.74</u>	<u>165.77</u>	<u>186.92</u>	<u>210.37</u>
<u>Waste Activated Sludge</u>	<u>41.93</u>	<u>48.29</u>	<u>55.50</u>	<u>63.68</u>

An account with two different types of customer classes serviced by the same water meter shall be charged the higher rate.

Should an owner of a mixed use with restaurant account install a new meter to service the restaurant only, then the uses associated with the respective meters will be charged the appropriate rates.

For uses not specifically included in the list of categories Group I, II or III, the County based on information provided by the applicant on usage(s) of the property, would designate at its sole discretion, the appropriate category for sewer billing. Generally establishments not listed in Group II or Group III Commercial would be considered to be Group I Commercial unless specific information indicates otherwise.

[(d) Non-Residential Users. Effective January 1, 2001, monthly sewer service charges for non-residential users shall be a service charge plus a volume charge in accordance to the following:

BEGINNING:					
	January 1, 2001	July 1, 2001	July 1, 2002	July 1, 2003	July 1, 2004
SERVICE CHARGE					
All Non-Residential Users	5.75	5.75	5.90	6.47	7.06
VOLUME CHARGE					
(Metered Water)	\$ Per Thousand Gallons				
Hotels/Motels/Resorts, etc., Without Restaurant	4.91	4.91	4.91	4.91	4.91
Hotels/Motels/Resorts, etc., With Restaurant	5.19	5.44	5.66	6.02	6.34

BEGINNING:					
	January 1, 2001	July 1, 2001	July 1, 2002	July 1, 2003	July 1, 2004
VOLUME CHARGE (continued)					
(Metered Water)	\$ Per Thousand Gallons				
Restaurant	8.24	8.61	8.93	9.57	10.08
Group I A Commercial	3.35	3.35	3.35	3.35	3.35
Group I B Commercial	3.52	3.69	3.85	4.04	4.26

Group II Commercial	4.72	4.94	5.15	5.45	5.74
Group III Commercial	8.04	8.38	8.71	9.32	9.84
School	2.54	2.66	2.77	2.91	3.06
Park	0.47	0.49	0.51	0.53	0.56
Manufacturing/ Industrial	5.90	5.90	5.90	6.04	6.36
Airport	3.45	3.62	3.78	3.96	4.17
(Metered Wastewater/Dual Meter)			\$ Per Thousand Gallons		
Hotels/Motels/ Resorts, etc. Without Restaurant	5.73	6.00	6.24	6.60	6.95
Hotels/Motels/ Resorts, etc. With Restaurant	7.98	8.37	8.70	9.26	9.76
Restaurant	11.00	11.47	11.92	12.76	13.44
Group I Commercial	4.69	4.92	5.13	5.39	5.67
Group II Commercial	6.30	6.59	6.86	7.27	7.66
Group III Commercial	10.72	11.19	11.63	12.44	13.11
School	4.60	4.83	5.03	5.28	5.56
Park	4.60	4.83	5.03	5.28	5.56
Manufacturing/ Industrial	6.97	7.30	7.59	8.06	8.49
Airport	5.16	5.16	5.16	5.28	5.52

BEGINNING:					
	January 1, 2001	July 1, 2001	July 1, 2002	July 1, 2003	July 1, 2004
Cesspool Waste Disposal	30.00	30.00	30.00	30.00	30.00
Septic Tank Waste Disposal	132.00	132.00	132.00	132.00	132.00
Waste Activated Sludge (WAS)	37.00	37.00	37.00	37.00	37.00

An account with two different types of customer classes serviced by the same water meter shall be charged the higher rate.

Should an owner of a mixed use with restaurant account install a new meter to service the restaurant only, then the uses associated with the respective meters will be charged the appropriate rates.

For uses not specifically included in the list of categories Group I, II or III, the County based on information provided by the applicant on usage(s) of the property, would designate at its sole discretion, the appropriate category for sewer billing. Generally establishments not listed in Group II or Group III Commercial would be considered to be Group I Commercial unless specific information indicates otherwise.]

(d) Change in use of the property. Whenever there is a change in the use of a property, the owner of the property shall notify the Division of Wastewater Management of the change thirty (30) days prior to the initiation of the new use. If the change in the use of the property results in a change to the method of billing wastewater charges, billing shall be accomplished pursuant to Sec. 25-13.6 Charges For the First and Last Months.

(e) R-1 and R-2 Reuse Water. Effective July 1, 2011, charges for users of R-1 and R-2 water produced by County sewage treatment plants shall be in accordance to the following:

R-2 Water: \$0.20 per thousand gallons of water used.

R-1 Water: Rate for R-1 water to be negotiated between R-1 water consumer and the County on a case-by-case basis. The cost per thousand gallons of R-1 water shall not exceed the cost to the consumer of alternative sources of water.

Sec. 25-13.5 Billing And Collection Of Charges.

(a) **Billing of Charges.** The sewer service charge levied pursuant to this Chapter shall be billed by the Director of Finance, or the Department of Water of the County of Kaua'i, or his or its authorized agent. Billing shall be made on a bimonthly basis. Payment shall be made within thirty (30) days after billing.

(b) **Collection of Charges.** The sewer service charge levied pursuant to this Chapter shall be collected by the Director of Finance, County of Kaua'i, or his authorized agent.

(c) **Billing of Charges Upon the Change of Ownership.** The sewer service charges levied pursuant to this Chapter accrue to the legal owner of the benefitted property. In the event of a transfer of ownership of the benefitted property, the sewer service charges shall be prorated as to the former and current owner as of the date on which title was transferred.

(d) **Suspension of Charges.** Sewer service charges may be suspended for demolition or removal of the structure(s) or removal of all plumbing fixtures requiring discharge to the sewer system. A Request for Suspension of Sewer User Charges shall be submitted to the Division of Wastewater Management on the appropriate form.

(1) **Residential Users with only flat charge.** Sewer service charges may also be suspended for vacancy of the residence after a vacancy of a minimum of one calendar month with the period starting the first of the month following the date of vacancy. Vacancy must be verifiable by the absence or termination of water service or electrical service and verification must be submitted with the request to suspend. Suspension of charges shall begin the first of the month after qualifying for suspension.

(2) **Users with flat plus volume charge.** Sewer service charges may also be suspended after removal of the water meter(s) servicing the property. Verification of removal of the water meter must be submitted with the request to suspend. Suspension of charges shall begin the first of the month following the date of qualifying for suspension.

(e) **Adjustment of Charges.** Sewer service charges for users with a flat plus volume charge may be adjusted due to excess water consumption resulting from a leak. The sewer service charge will be adjusted based on the quantity of water that the Department of Water approves as being attributable to the leak. A request for adjustment due to a water leak shall be made in writing to the Division of Wastewater Management, including confirmation from the Water Department of the quantity attributable to the leak.

Sec. 25-13.6 Charges For The First And Last Months.

(a) For any lot for which connection is made to the public sewer pursuant to Sec. 25-2.1(a), either directly or indirectly, a sewer service charge shall be made pursuant to this Chapter starting from the first day of the month following the date of the connection.

(b) For any lot not connected to the sewer system within 120 (one hundred twenty) days after being notified to do so pursuant to Sec. 25-2.1(a), a sewer service charge shall be made pursuant to this Chapter, starting from the first day of the month following the 120 day period.

(c) Where it is proposed to discontinue any connection to the sewer from any lot, parcel of land, building or premises upon a written notice being given to the [Sewer] Wastewater Management Division of the Department of Public Works, County of Kaua'i, by the owner of the lot, parcel of land, building or premises, the owner, subject to conditions and inspection by the County Engineer, may disconnect the lateral sewer, and the sewer charge for the month within which the discontinuance of sewer service takes place shall be for the full month based on the regular monthly charge to the lot, parcel of land, building, dwelling units or premises.

Sec. 25-13.7 Notification.

Each user shall be notified annually, of the rate and that portion of the user charges which are directly related to the operation, maintenance and replacement of the wastewater treatment systems.

Notification shall be made by the Director of Finance in conjunction with a regular bill.

Sec. 25-13.8 Inconsistent Agreements.

This Chapter shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of Section 204(b)(1)(A) of the Clean Water Act and in the user charge section of the Federal regulations (40 CFR 35.2140).

Section 25-13.9 Sewer Credit Based On Income.

(a) Definitions. As used in this section:

“Director” means the County Director of Finance.

“County Engineer” means the County Engineer, Department of Public Works, County of Kaua‘i or a duly authorized representative.

“Income” means the greater of either 1) a residential sewer customer’s adjusted gross income under the U.S. Internal Revenue Code of 1954, as amended, or 2) a residential sewer customer’s adjusted gross income under Chapter 235, H.R.S.

“Residential sewer customer” or “customer” means a natural person living in a dwelling unit, who is classified as a residential user under Sec. 25-13.5(b), and who owns, rents, or leases the dwelling unit receiving County sewer service.

(b) A residential sewer customer shall be granted a monthly credit of \$20.00 if the conditions of paragraph (c) of Sec. 25-13.9 are satisfied. The credit shall be effective the calendar month immediately following the month that the customer has satisfied the conditions of paragraph (c) of Sec. 25-13.9.

The County General Fund shall pay for all credits granted.

(c) No credit shall be granted under this section unless the Director determines that a residential sewer customer has satisfied the following conditions:

(1) The customer shall sign the application form promulgated by the Director. Where the applicant is a tenant or lessee, the legal owner of the property benefited by the County’s sewer service shall also execute the application form. The tenant or lessee and the legal owner shall also provide their address of record in the application form.

In the application form, the customer shall consent to the release of, and authorize the State Department of Taxation to release to the Director at any time during the time which the customer receives a residential sewer credit, certified copies of those portions of the customer’s state personal income tax return or records showing the customer’s adjusted gross income under Chapter 235, H.R.S. This authorization and consent shall be used by the Director for purposes of verifying the customer’s income and, therefore, eligibility for the credit granted under this Sec. 25-13.9. The customer shall execute any additional forms required by the Director or the State Department of Taxation to facilitate the release of tax information required under this subparagraph (1).

(2) The dwelling unit in which the customer resides must be the customer's principal residence. The customer may receive the credit only if the dwelling unit in which the customer resides is the customer's principal residence.

A husband and a wife shall not each be entitled to a credit on separate dwelling units owned, in whole or in part, by either or both of them unless they live physically separate and apart, on a continuous basis, in separate dwelling units.

(3) A residential sewer customer's annual income shall not exceed \$40,000.00 for the calendar year immediately preceding the year in which the customer applies for the credit.

The customer's annual income shall not exceed \$40,000.00 at any time during the time which the customer enjoys the benefit of the credit under this Sec. 25-13.9.

(4) The residential sewer customer shall submit with his or her application filed copies from those portions of the customer's federal and state personal income tax return or records for the calendar year immediately preceding the year in which the customer applies for the credit, showing the customer's 1) adjusted gross income under the U.S. Internal Revenue Code of 1954, as amended, and 2) adjusted gross income under Chapter 235, H.R.S.

If a customer was not required to file a personal income tax return under either the U.S. Internal Revenue Code of 1954, as amended or Chapter 235, H.R.S., or both, the customer shall sign and submit an affidavit attesting to the income the customer received from all sources for the calendar year immediately preceding the year in which the customer applies for the credit. The Director shall prescribe the form of the affidavit.

The Director may deny the application of any customer who fails or refuses to provide the proof of income required under this paragraph (c) of Sec. 25-13.9. The Director may also deny a customer's application if the customer fails or refuses to provide information or documents the Director believes is reasonably necessary for purposes of verifying that the customer has satisfied the conditions of this paragraph (c) of Sec. 25-13.9.

(d) The Director and the County Engineer shall prescribe the application form and other forms relating to the credit granted under this Sec. 25-13.9.

(e) The Director shall annually obtain from the state Department of Taxation certified copies of income tax records from at least one percent (1%) of all customers receiving the residential sewer credit for purposes of verifying that the customers continue to satisfy the income qualification requirements under paragraph (c) of Sec. 25-13.9. The County Engineer and the Director shall verify the information to satisfy the income qualification requirements under paragraph (c) of Sec. 25-13.9. For this purpose, records shall be randomly selected.

(f) Any credit granted under this Sec. 25-13.9 shall continue in effect until one or more of the following events occur:

(1) A customer receiving the credit fails to satisfy any condition or requirement under paragraph (c) of this Sec. 25-13.9.

(2) A customer receiving the credit is no longer a "residential sewer customer" as defined under this Sec. 25-13.9.

Upon the occurrence of any event described immediately above, or any event described in this paragraph (f) which would cause a customer to lose his or her credit, the Director shall terminate the customer's residential sewer credit. The credit shall be terminated sixty (60) calendar days after the date that the Director sends a notice of termination to the customer and legal owner. The notice shall be sent via certified mail to the customer's and legal owner's address of record.

A customer receiving the credit shall have a duty to report to the Director any fact or event that would cause the customer to lose his or her residential sewer credit including, but not limited to, the fact that the customer's annual income exceeds \$40,000.00 and that the dwelling unit in which the customer resides is no longer the customer's principal residence. The customer shall report any such facts or events within thirty (30) calendar days of their occurrence. The customer's failure or refusal to report any such fact or event within the specified time shall constitute sufficient basis for the Director to terminate the customer's credit.

If the Director has reasonable basis to believe that a customer receiving the credit no longer satisfies the income qualification requirement under paragraph (c) of Sec. 25-13.9, the Director may require the customer to provide evidence of the customer's income. Such evidence may include, but shall not be limited to, filed copies of the customer's federal and state personal income tax return or records showing the customer's adjusted gross income under the U.S. Internal Revenue Code of 1954, as amended, and adjusted gross income under Chapter 235, H.R.S. The Director may also require the customer to obtain and submit certified copies of such returns and records from the U.S. Internal Revenue Service or state Department of Taxation. The customer's failure or refusal to provide the required

tax information shall constitute sufficient basis for the Director to terminate the customer's credit.

(g) Any person who files a fraudulent application or attests to any false statement, with intent to defraud or to evade the payment of his sewer bill or any part thereof, or who in any manner intentionally deceives or attempts to deceive the Department of Finance to receive the credit granted by this Sec. 25-13.9, shall be fined \$1,000 or imprisoned for not more than one year, or both.

(h) The Director and the County Engineer may adopt rules pursuant to Chapter 91, H.R.S. for purposes of implementing and administering this section.

ARTICLE 14. SEWER FUNDS AND DELINQUENT ACCOUNTS

Sec. 25-14.1 Disposition Of Funds Collected.

(a) All monies received pursuant to this Chapter shall be deposited into a special fund to be known as the "County Sewer Fund" and shall be expended as provided for in this Chapter and as authorized by the County Council.

(b) A separate account shall be established to record all revenues from sewer service charges, including strength surcharges. Expenditures from this account shall be restricted to the operation and maintenance of the sewer systems, including replacement as defined by the EPA and repayment of SRF loans.

(c) Separate accounts shall be established to record all revenues from connection charges and assessments for Wastewater Treatment Capacity. Expenditures from these accounts shall be restricted to capital type costs, including repayment of SRF loans.

Sec. 25-14.2 Delinquent Accounts.

Failure to pay any sewer charge shall constitute a lien on the property and shall be charged interest at the rate of one percent (1%) per month until full payment is made. [In the event legal action is instituted for collection, the County shall be reimbursed for all costs of collection including reasonable attorney's fee.]

In the event that the legal owner of the benefitted property is financially unable to pay all of the required charges in a lump sum payment, the Director of Finance or an authorized representative may negotiate a payment agreement and execute a written promissory note with the legal owner of the benefitted property for repayment of all charges within a period which shall not exceed thirty-six months.

Any bill which is not paid within thirty (30) days after billing shall be deemed delinquent and the water service by the Department of Water may be discontinued five (5) business days after written notice is given to the legal owner of the benefitted property. For legal owners whose property is not served by the Department of Water, the Division of Waste Water Management may use any reasonable means to effectively terminate the discharge into the public sewer.

If water or sewer service is discontinued due to an unpaid sewer bill, restoration of water or sewer service shall not occur until all delinquent charges plus interest and all charges incurred by the Division of Waste Water Management for the discontinuation and reconnection (including but not limited to the Department of Water's charges for re-opening, re-installation or reconnection of water service) is paid.

In the event legal action is instituted for collection, the County shall be reimbursed for all costs of collection including reasonable attorney's fee.

Section 25-14.3 Uncollectible Delinquent Accounts.

The Director of Finance or his authorized representative may, from time to time, prepare a list of all delinquent user fees, which in the judgment of the Director of Finance or his authorized representative, finds to be uncollectible after reasonable attempts and upon recommendation of the County Attorney, shall be written off as an uncollectible bad debt and shall be deleted from the active collection account records kept by the department; and the department shall thereupon be released from any further accountability for their collection, provided that no account shall be so deleted until it shall have been delinquent for at least two (2) years and does not exceed [\$1,000.] \$5,000.00. Uncollectible accounts which exceed [\$1,000] \$5,000.00 shall be written off only upon approval of the County Council. Any item so deleted may be reinstated as an active collectible account if the Director of Finance or his authorized representative finds that such items are, in fact, collectible or that the alleged facts as previously presented were not true.

ARTICLE 15. PENALTY

Sec. 25-15.1 Penalty.

Any person convicted of violating any provision of this Chapter shall be punished by a fine not exceeding five hundred dollars (\$500) and/or thirty (30) days in jail for each offense except that any person who fails to connect to an accessible sewer, pay sewer connection charges, or sewer services charges shall be guilty of a


violation with a fine not exceeding five hundred dollars (\$500). A separate offense is committed upon each day during or on which a violation occurs or continues.”

SECTION 2. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provision of this Ordinance are severable.

SECTION 3. Ordinance material to be repealed is bracketed. New ordinance material is underscored.

SECTION 4. This Ordinance shall take effect upon approval, but nothing in this Ordinance shall be construed to prohibit any person from complying with the provisions of the new code and amendments thereto adopted hereunder.

INTRODUCED BY:



TIM BYNUM
(By Request)

DATE OF INTRODUCTION:

April 28, 2010

Lihu'e, Kaua'i, Hawai'i


(V:\CS OFFICE FILES\BILLS\2010\Proposed Draft Bill No. 2363 - Chapter 25 si.docx)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2363, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on April 28, 2010, by the following vote:

FOR PASSAGE:	Bynum, Chang, Furfaro, Kaneshiro, Kawahara, Kawakami, Asing	TOTAL - 7,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:		TOTAL - 0.

Līhu'e, Hawai'i
April 30, 2010



Peter A. Nakamura
County Clerk, County of Kaua'i

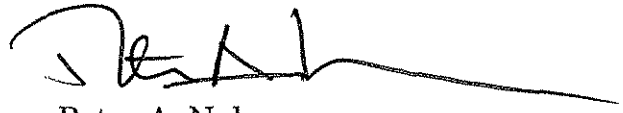
CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2363, which was adopted on second and final reading by the Council of the County of Kauai at its meeting held on June 9, 2010, by the following vote:

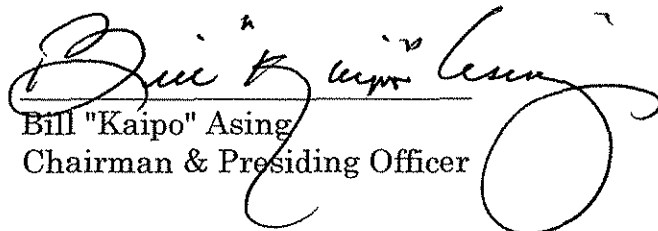
FOR ADOPTION: Bynum, Chang, Furfaro, Kaneshiro, Kawahara,
Kawakami, Asing
AGAINST ADOPTION: None
EXCUSED & NOT VOTING: None

TOTAL - 7,
TOTAL - 0,
TOTAL - 0.

Līhu'e, Hawai'i
June 10, 2010


Peter A. Nakamura
County Clerk, County of Kaua'i

ATTEST:


Bill "Kaipo" Asing
Chairman & Presiding Officer

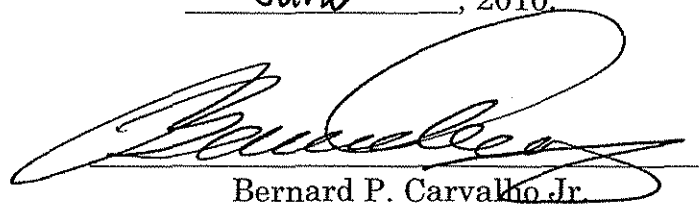
RECEIVED
JUN 14 2010
COUNTY OF KAUAI

DATE OF TRANSMITTAL TO MAYOR:

June 14, 2010

Approved this 14th day of

June, 2010.


Bernard P. Carvalho Jr.
Mayor
County of Kaua'i

